

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

JOHN DOE, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

v.

UMASS MEMORIAL HEALTH CARE, INC,

Defendant.

Case No.: 4:22-cv-12022

[Trial Court of Massachusetts, The Superior
Court, Worcester County, Docket No.
2285CV01205D]

LISA COLLETON, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

UMASS MEMORIAL HEALTH CARE, INC,

Defendant.

Case No.: 4:22-cv-40154

[Trial Court of Massachusetts, The
Superior Court, Worcester County,
Docket No. 2285CV01293D]

JANICE PROGIN, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

UMASS MEMORIAL HEALTH CARE, INC.,
et al.,

Defendants.

Case No.: 4:23-cv-10113-ADB

[Trial Court of Massachusetts, The
Superior Court, Suffolk County,
Docket No. 2284CV02889]

**JOINT MOTION FOR ENTRY OF SCHEDULE REGARDING MOTIONS TO REMAND
AND TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO THE COMPLAINTS**

The Plaintiffs John Doe, Lisa Colleton and Janice Progin in each of the above referenced actions, and UMass Memorial Healthcare, the common defendant in each of those actions, along with the additional defendants in the Progin Action (the “Parties”), jointly move this Court to enter a scheduling order for the briefing of Motions to Remand each of these actions, as set forth below.

Each of the above actions were filed in the Massachusetts state court. The Doe class action case was filed first, with the Colleton and Progin class action cases filed in succeeding months, making similar claims against UMass Memorial Healthcare, the common defendant and against the additional defendants in the Progin Action. The Doe and Colleton Actions were filed in the Worcester Superior Court. The Progin Action was filed in the Business Litigation Section of the Suffolk Superior Court.

The Defendants removed each of these actions to this Court alleging federal jurisdiction under the federal officer removal provision of 28 U.S.C. § 1442(a)(1). The Doe Action was removed on November 28, 2022, the Colleton Action was removed on December 28, 2022, and the Progin Action was removed on January 17, 2023. Plaintiff Doe filed a Motion to Remand the Doe Action on January 6, 2023 (Doe ECF 9 and 10). Plaintiffs Colleton filed a Motion to Remand the Colleton action on January 27, 2023 (Colleton ECF 13). Progin will be filing a Motion to Remand her case by February 16, 2023.

Since the bases for seeking removal of the three actions are similar, the Parties anticipate that some, but not necessarily all, of the legal issues raised in their respective Motions to Remand will be the same. Accordingly, coordinated briefing on the Motions to Remand would serve the interests of legal and judicial economy. Accordingly, the Parties respectfully move this Court to establish the following uniform dates for the remaining briefing of the Motions to Remand in the three related actions.

1. Plaintiff Progin will file her Motion to Remand by February 16, 2023.
2. Defendants will file their Oppositions to each of the Motions to Remand by March 20, 2023.
Defendants shall file a single omnibus opposition to the three Motions to Remand, and the opposition memoranda may be up to 25 pages.
3. Plaintiffs shall file their replies in support of their Motions to Remand by April 19, 2023.
Plaintiffs shall file a single omnibus reply in support of the three Motions to Remand. Each Plaintiff may also file a supplemental reply, not exceeding 5 pages, addressing issues specific to the Motion to Remand that Plaintiff's action.

By making this request of the Court, the Parties seek to streamline the Court's consideration of the removal to this Court and associated remand motions. The Parties do not seek consolidation of these actions at this time, nor do the Parties intend in any way to interfere with this Court's determination of its jurisdiction in these matters.

The Parties also move this Court to order that the Defendants' time to move, plead, answer, or otherwise respond to each of the complaints in the above referenced actions shall be extended until 30 days after the Court rules on the Motions to Remand.

Dated: February 2, 2023

Respectfully submitted,

/s/ Jonathan T. Merrigan

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing pleading was filed electronically through the Court's electronic filing system and that notice of this filing will be sent to all counsel of record in this matter by operation of the Court's ECF system.

Dated: February 2, 2023

/s/ Michelle H. Blauner
Michelle H. Blauner